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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/762,006	02/01/2001	Thomas Hottkowitz	HUBR1177	6539

24972 7590 07/11/2002  
FULBRIGHT & JAWORSKI, LLP  
666 FIFTH AVE  
NEW YORK, NY 10103-3198

EXAMINER

STOCKTON, LAURA LYNNE

ART UNIT	PAPER NUMBER
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1626

DATE MAILED: 07/11/2002 10

Please find below and/or attached an Office communication concerning this application or proceeding.



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DATE MAILED:

This is a communication from the examiner in charge of your application.  
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### OFFICE ACTION SUMMARY

☒ Responsive to communication(s) filed on June 14, 2002

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

- ☒ Claim(s) 1-30 and 32-35 are pending in the application.  
Of the above, claim(s) 16-30, 32, 34 and 35 are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-15 and 33 are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
- ☒ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

- ☒ Notice of Reference Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 5 and 7
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--SEE OFFICE ACTION ON THE FOLLOWING PAGES--

09/762,006

## DETAILED ACTION

Claims 1-30 and 32-35 are pending in the application.

### *Election/Restrictions*

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in response to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-13, 18-23, 25, 27, 28 and 33, drawn to compounds and compositions of formula (I) wherein A is formula (III) and one of  $R_1$  or  $R_2$  is formula (X) or formula (XI).

Group II, claim(s) 1-13, 18-22, 24, 26-28 and 33, drawn to compounds and compositions of formula (I) wherein A is formula (III) and one of  $R_1$  or  $R_2$  is formula (XII) or (XIII).

Group III, claim(s) 1-13, 18-23, 25, 27, 28 and 33, drawn to compounds and compositions of formula (I) wherein A is formula (IV) and one of  $R_1$  or  $R_2$  is formula (X) or formula (XI).

Group IV, claim(s) 1-13, 18-22, 24, 26-28 and 33, drawn to compounds and compositions of formula (I) wherein A is formula (IV) and one of R<sub>1</sub> or R<sub>2</sub> is formula (XII) or (XIII).

Group V, claim(s) 1-13, 18, 19, 23, 25 and 33, drawn to compounds and compositions of formula (I) wherein A is formula (V) and R<sub>1</sub> is formula (X) or (XI).

Group VI, claim(s) 1-13, 18, 19, 24, 26 and 33, drawn to compounds and compositions of formula (I) wherein A is formula (V) and R<sub>1</sub> is formula (XII) or (XIII).

Group VII, claim(s) 1-13, 18, 19, 23, 25 and 33, drawn to compounds and compositions of formula (I) wherein A is formula (VI) and R<sub>1</sub> is formula (X) or (XI).

Group VIII, claim(s) 1-13, 18, 19, 24, 24, 26 and 33, drawn to compounds and compositions of formula (I) wherein A is formula (VI) and R<sub>1</sub> is formula (XII) or (XIII).

Group IX, claim(s) 1-13, 18, 19, 23, 25 and 33, drawn to compounds and compositions of formula (I) wherein A is formula (VII) and R<sub>1</sub> is formula (X) or (XI).

Group X, claim(s) 1-13, 18, 19, 24, 26 and 33, drawn to compounds and compositions of formula (I) wherein A is formula (VII) and R<sub>1</sub> is formula (XII) or (XIII).

→ Group XI, claim(s) 1-13, 14, 15 and 33, drawn to compounds and compositions of formula (I) wherein A is formula (VIII).

Group XII, claim(s) 1-14, 16, 17 and 33, drawn to compounds and compositions of formula (I) wherein A is formula (IX).

Group XIII, claim(s) 1-13 and 33, drawn to compounds and compositions of formula (I) not embraced by Groups I-XII.

Group XIV, claim(s) 29, 30 and 32, drawn to liposomes comprising compounds of formula (I) wherein A is formula (III) and one of  $R_1$  or  $R_2$  is formula (X) or formula (XI).

Group XV, claim(s) 29, 30 and 32, drawn to liposomes comprising compounds of formula (I) wherein A is formula (III) and one of  $R_1$  or  $R_2$  is formula (XII) or (XIII).

Group XVI, claim(s) 29, 30 and 32, drawn to liposomes comprising compounds of formula (I) wherein A is formula (IV) and one of  $R_1$  or  $R_2$  is formula (X) or formula (XI).

Group XVII, claim(s) 29, 30 and 32, drawn to liposomes comprising compounds of formula (I) wherein A is formula (IV) and one of  $R_1$  or  $R_2$  is formula (XII) or (XIII).

Group XVIII, claim(s) 29, 30 and 32, drawn to liposomes comprising compounds of formula (I) wherein A is formula (V).

Group XIX, claim(s) 29, 30 and 32, drawn to liposomes comprising compounds of formula (I) wherein A is formula (VI).

Group XX, claim(s) 29, 30 and 32, drawn to liposomes comprising compounds of formula (I) wherein A is formula (VII).

Group XXI, claim(s) 29, 30 and 32, drawn to liposomes comprising compounds of formula (I) wherein A is formula (VIII).

Group XXII, claim(s) 29, 30 and 32, drawn to liposomes comprising compounds of formula (I) wherein A is formula (IX).

Group XXIII, claim(s) 34 and 35, drawn to a process of making unsaturated (Z)-fatty acids or (Z)-alkenols of formula (VIII) or (IX).

Group XXIV, claim(s) 34 and 35, drawn to a process of making unsaturated (Z)-fatty acids or (Z)-alkenols of formula (X) or (XI).

The inventions listed as Groups I-XXIV do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: there is a lack of unity among the above identified groups because there is no significant structural element shared by all of the alternatives. Each of the groups set forth above represents a separate discrete non-heterocyclic ring system that one skilled in the art that besides sharing no significant structural element, cannot be said to belong to a recognized class of chemical compounds in the pharmaceutical art. The claims are therefore considered to lack unity of invention.

Applicants are required to elect a single disclosed species {e.g. Example number, page number, line number and structural depiction} from whichever group is ultimately elected. The election of species is for examination purposes only.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to

Laura L. Stockton whose telephone number is (703) 308-1875. The examiner can normally be reached on Monday-Friday from 6:00 am to 2:30 pm. If the examiner is out of the Office, the examiner's supervisor, Joseph McKane, can be reached on (703) 308-4537.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1235, 308-0196 or 305-3290.

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-4556, 308-4242, 305-1935 or 308-2742.

A handwritten signature in cursive script, reading "Laura L. Stockton". The signature is written in black ink and is positioned above the printed name and title.

Laura L. Stockton, Ph.D.  
Patent Examiner  
Art Unit 1626, Group 1620  
Technology Center 1600

February 25, 2002